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4 Attorneys for Defendants
5 CLIFTON BLACK, ROSE REAL,
5 ROBERT PRUITT, CHERYL HARMS,
6 CLAUDIA BLODGETT, GARY KISHIMOTO,
6 JOELLA MOLLOY and EVERGREEN
ELEMENTARY SCHOOL DISTRICT

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

E-FILED - 4/19/07

Defendants.

1 The parties submit the following stipulation for the purpose of requesting the
2 Court continue the Motions presently set for May 11, 2007 at 9:00 a.m.

3 The Motion to Dismiss of the Evergreen School District Defendants was filed on
4 April 3, 2007, docket number 58, and set for hearing May 11, 2007 at 9:00 a.m. A few
5 weeks prior to the filing, counsel for these defendants checked the calendar and believed the
6 hearing date to be available.

7 The Motion for Judgment on the Pleadings was filed by Counsel for VMC Defendants
8 on April 4, 2007, docket number 66, and set for hearing May 11, 2007 at 9:00 a.m.

9 According to the docket, the Declaration of Peter Johnson in support of a request for
10 enlargement of time filed on April 4, 2007, docket number 72, and set for hearing May 11,
11 2007 at 9:00 a.m.

12 By this stipulation, all counsel agree to continue the hearings on the Motion to
13 Dismiss, docket number 58, and the Motion for Judgment on the Pleadings, docket number
14 66, to May 25, 2007. All counsel further stipulate that all Opposition and Reply briefs will
15 be due based upon the continued hearing dates, not the original hearing dates. As a result,
16 the motion for enlargement of time, docket number 72, will be moot when the hearing dates
17 are continued.

18 All counsel have provided Jacquelyn Wilson authority to file the stipulation with their
19 electronic signature at the time of this filing.

20 Based on the foregoing, the parties hereby stipulate to have the matter submitted
21 to the Court requesting an order continuing the date now set for the motions noted above
22 from May 11, 2007 to May 25, 2007, at 9:00 a.m.

23 Dated: April 17, 2007

/s/ Peter Johnson

Peter Johnson
Attorney for Plaintiffs

25 Dated: April 17, 2007

/s/ Clifford Greenberg

Clifford Greenberg
Attorney for City of San Jose

27 Dated: April 17, 2007

/s/ Melissa Kiniyalocots

Melissa Kiniyalocots
Attorney for County of Santa Clara

1 Dated: April 17, 2007

/s/ Jacquelyn Wilson
Jacquelyn Wilson
Attorney for Evergreen School District

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2 **ORDER TO CONTINUE MOTIONS**
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4 The Court having considered the stipulation of the parties submitted herewith,
5 and having found good cause, does hereby order that the Hearings on all motions presently
6 set for May 11, 2007 at 9:00 a.m. shall be, and hereby are, continued to May 25, 2007 at 9:00
7 a.m..
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9 Pursuant to Stipulation, it is So Ordered,
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11 Dated: 4/19/07
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14 _____
15 Hon. Ronald M. Whyte
16 Judge of the United States District Court
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